

100TH CONGRESS
1ST SESSION

H. R. 3518

To amend the Social Security Act to prohibit false advertising or the misuse of names in reference to the Social Security Administration, the Health Care Financing Administration, and their programs.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 20, 1987

Mr. MYERS of Indiana (for himself and Mr. BROOMFIELD) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Social Security Act to prohibit false advertising or the misuse of names in reference to the Social Security Administration, the Health Care Financing Administration, and their programs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Social Security and Med-
5 icare Protection and Integrity Act of 1987".

1 SEC. 2. PROHIBITION OF MISUSE OF SYMBOLS, EMBLEMS, OR
2 NAMES IN REFERENCE TO THE SOCIAL SECURI-
3 TY ADMINISTRATION, THE HEALTH CARE FI-
4 NANCING ADMINISTRATION, OR THEIR PRO-
5 GRAMS.

6 Part A of title XI of the Social Security Act is amended
7 by adding at the end the following new section:

8 “PROHIBITION OF MISUSE OF SYMBOLS, EMBLEMS, OR
9 NAMES IN REFERENCE TO THE SOCIAL SECURITY AD-
10 MINISTRATION, THE HEALTH CARE FINANCING AD-
11 MINISTRATION, OR THEIR PROGRAMS

12 “SEC. 1139. (a) No person may—

13 “(1) use as a firm or business name or transact
14 business using the words ‘Social Security’, ‘Social Se-
15 curity Account’, ‘Social Security System’, ‘Social Se-
16 curity Administration’, ‘Medicare’, or ‘Health Care Fi-
17 nancing Administration’, the letters ‘SSA’ or ‘HCFA’,
18 or any other combination or variation of those words or
19 letters, alone or with other words or letters, in a
20 manner which is reasonably calculated to convey the
21 false impression that such person has some connection
22 with, or authorization from, the Social Security Admin-
23 istration or the Health Care Financing Administration,

24 “(2) transact business using a symbol or emblem
25 of the Social Security Administration (including the
26 design of, or a reasonable facsimile of the design of,

1 the social security card issued pursuant to section
2 205(c)(4)(D)) or a symbol or emblem of the Health
3 Care Financing Administration in a manner which is
4 reasonably calculated to convey the false impression
5 that such person has some connection with, or authori-
6 zation from, the Social Security Administration or the
7 Health Care Financing Administration,

8 “(3) use the words, letters, symbols, or emblems
9 specified in paragraph (1) or (2), or any other combina-
10 tion or variation thereof alone or with other words, let-
11 ters, symbols, or emblems, in connection with any item
12 constituting an advertisement, circular, book, pamphlet,
13 or other publication, or a play, motion picture, broad-
14 cast, telecast, or other production, in a manner reason-
15 ably calculated to convey the false impression that
16 such item is approved, endorsed, or authorized by the
17 Social Security Administration or the Health Care Fi-
18 nancing Administration, or

19 “(4) falsely advertise or otherwise represent by
20 any device whatsoever that such person’s business,
21 product, or service has been in any way endorsed, au-
22 thorized, or approved by the Social Security Adminis-
23 tration or the Health Care Financing Administration.

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1 “(b)(1) The Secretary may, pursuant to regulations,
2 assess a civil penalty of not to exceed \$5,000 against any
3 person for each violation by such person of subsection (a).

4 “(2) Subsections (c), (d), (e), and (g) of section 1128A
5 shall apply with respect to assessments by the Secretary
6 under paragraph (1) in the same manner and to the same
7 extent as such subsections apply with respect to assessments
8 by the Secretary under section 1128A(a).

9 “(3) Assessments imposed against a person under para-
10 graph (1) may be compromised by the Secretary and may be
11 recovered in a civil action in the name of the United States
12 brought in the district court of the United States for the dis-
13 trict in which the violation occurred or where the person re-
14 sides, has its principal office, or may be found, as determined
15 by the Secretary. Amounts recovered under this section shall
16 be paid to the Secretary and shall be deposited as miscellane-
17 ous receipts of the Treasury of the United States. The
18 amount of such penalty or assessment, when finally deter-
19 mined, or the amount agreed upon in compromise, may be
20 deducted from any sum then or later owing by the United
21 States to the person against whom the assessment has been
22 assessed.

23 “(c) The Secretary may bring a civil action in a district
24 court of the United States to enjoin any act or practice which
25 violates any provision of subsection (a) or to obtain other ap-

1 proprate equitable relief to redress such violation or to en-
2 force subsection (a). Such action may be brought in the dis-
3 trict court of the United States for the district in which the
4 violation occurred or in which such person resides, has its
5 principal office, or may be found, as determined by the
6 Secretary.

7 “(d) The Secretary shall prescribe regulations for pur-
8 poses of this section. Such regulations may provide for ex-
9 press, written authorizations by the Secretary of the use of
10 the words, letters, symbols, and emblems referred to in sub-
11 section (a). In prescribing regulations for purposes of this sec-
12 tion, the Secretary shall take into account the necessity to
13 allow free discussion of the Social Security Administration,
14 the Health Care Financing Administration, and their pro-
15 grams in the political process and the potential for abuse of
16 the political process through conduct which would constitute
17 a violation of subsection (a).”.

18 **SEC. 3. EFFECTIVE DATE.**

19 The amendment made by this Act shall take effect
20 July 1, 1988, and shall apply only with respect to violations
21 occurring on or after such date.



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3 8095 00012518 3

1-181 3363
DEPUTY ASSOC GENERAL COUNSEL
500 EAST HIGH RISE

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